

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00130-MR-DLH**

**MINERVA McSWAIN, individually** )  
**and as Executrix of the Estate of** )  
**Buren Edward McSwain, deceased,** )  
 )  
**Plaintiffs,** )  
 )  
**vs.** )  
 )  
**AIR & LIQUID SYSTEMS** )  
**CORPORATION, et al.,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Notice of Bankruptcy and Automatic Stay of Proceedings filed by the Defendant Sepco Corporation. [Doc. 149].

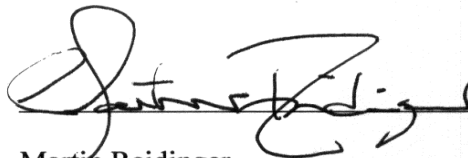
The Defendant Sepco Corporation has filed a notice with the Court indicating that it has filed a voluntary bankruptcy petition under Chapter 11 of the United States Bankruptcy Code on January 14, 2016. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16<sup>th</sup> ed. 2014); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of “the

commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor”). Accordingly, the Court will consider this action stayed as to the Defendant Sepco Corporation only.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Sepco Corporation only until further Order of the Court. All other claims pending in this action remain unaffected by this stay.

**IT IS SO ORDERED.**

Signed: February 12, 2016

  
Martin Reidinger  
United States District Judge

